

By the Committee on Criminal Justice; and Senator Steube

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1 A bill to be entitled
2 An act relating to crime stoppers organizations;
3 creating s. 90.595, F.S.; defining terms; prohibiting
4 a person who engages in privileged communication, a
5 law enforcement crime stoppers coordinator or his or
6 her staff, or a member of a crime stoppers
7 organization's board of directors from being required
8 to disclose privileged communications or produce
9 protected information; providing an exception;
10 authorizing a person charged with a criminal offense
11 to petition the court to inspect the protected
12 information under certain circumstances; authorizing a
13 court to disclose all or a portion of the protected
14 information; providing criminal penalties; providing
15 an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 90.595, Florida Statutes, is created to
20 read:

21 90.595 Privileged communication with and the provision of
22 protected information to crime stoppers organizations.-

23 (1) As used in this section, the term:

24 (a) "Crime stoppers organization" means a private not-for-
25 profit organization that collects and expends donations for
26 rewards to persons who report to the organization information
27 concerning criminal activity and forwards that information to
28 appropriate law enforcement agencies.

29 (b) "Privileged communication" means the act of providing

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30 information to a crime stoppers organization for the purpose of
31 reporting alleged criminal activity.

32 (c) "Protected information" includes the identity of a
33 person who engages in privileged communication with a crime
34 stoppers program and any records, recordings, oral or written
35 statements, papers, documents, or other tangible things provided
36 to or collected by a crime stoppers organization, a law
37 enforcement crime stoppers coordinator or his or her staff, or a
38 law enforcement agency in connection with such privileged
39 communication.

40 (2) A person who engages in privileged communication under
41 this section, a law enforcement crime stoppers coordinator or
42 his or her staff, or a member of a crime stoppers organization's
43 board of directors may not be required:

44 (a) To disclose, by way of testimony or any other means, a
45 privileged communication or protected information unless such
46 failure to disclose would infringe on the constitutional rights
47 of an accused person.

48 (b) To produce, under subpoena, any records, documentary
49 evidence, opinions, or decisions relating to such privileged
50 communication or protected information:

51 1. In connection with a criminal case, criminal proceeding,
52 or any administrative hearing; or

53 2. By way of any discovery procedure.

54 (3) (a) A person charged with a criminal offense may
55 petition the court for inspection in camera of the protected
56 information. The petition must allege that the protected
57 information meets all of the following criteria:

58 1. Provides evidence favorable to the defendant.

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59 2. Is specifically related to the determination of the
60 innocence or guilt of the petitioner.

61 3. Is such that, if it is not disclosed, will cause a
62 deprivation of a constitutional right of the petitioner.

63 (b) If the court determines that all of the criteria
64 specified in paragraph (a) are satisfied, the court may order
65 the production and disclosure of all or any part of the
66 protected information, while, to the fullest extent possible,
67 protecting the identity of the persons who engaged in privileged
68 communication.

69 (4) A person, other than the person who provides the
70 privileged communication, who discloses any information related
71 to privileged communication or protected information commits a
72 felony of the third degree, punishable as provided in s.
73 775.082, s. 775.083, or s. 775.083.

74 Section 2. This act shall take effect October 1, 2018.